IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7086 OF 2004

Anandra Ramchandra Jadhav ... Petitioner

versus

Dr.Ganpat Bandu Jagdale

and another ... Respondents

...

Mr. S.D. Patil, for the Petitioner.

...

CORAM : A.M.KHANWILKAR,J.

3rd September 2004

P.C.:

. I find no reason to interfere with the interlocutory order passed by the Court below. Indeed, the appellate Court ought to have recorded a clear opinion as to whether the findings, which are challenged in the appeal would operate as res judicata against the appellant. Be that as it may, the appellate Court has observed that the appeal as preferred by the Respondents is not maintainable. That question can be considered even at the stage of

final hearing of the appeal. In my opinion, no prejudice would be caused to the Petitioner if the appeal remains pending. Viewed in this perspective, no interfrence in exercise of writ jurisdiction is warranted. Dismissed.

(A.M.KHANWILKAR,J.)